

# **EXHIBIT A**

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7 and SOKHA DUONG

**Electronically Filed**  
**FIRST CIRCUIT**  
**1CCV-21-0001024**  
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8 **IN THE CIRCUIT COURT OF THE FIRST CIRCUIT**

9 **STATE OF HAWAII**

10 KAREN LAM, SOKHA DUONG,  
11

12 Plaintiffs,

13 vs.

14 HILTON MANAGEMENT LLC, a Foreign  
15 Limited Liability (LLC), and DOES 1-100,

16 Defendants.  
17  
18

Case No. 1CCV-21-0001024

FIRST AMENDED COMPLAINT

19 **FIRST AMENDED COMPLAINT**

20 Plaintiffs KAREN LAM and SOKHA DUONG, by and through their attorneys, hereby claim  
21 in their First Amended Complaint for damages against the above-named Defendants, and allege  
22 and aver as follows:

23 **COUNT ONE**

24 1. Plaintiff KAREN LAM is, and at all times mentioned in this First Amended Complaint  
25 was, a resident of the State of California. Plaintiff SOKHA DUONG is, and at all times  
26 mentioned in this First Amended Complaint was, a resident of the State of California. Plaintiffs  
27 are married, and at all relevant times to this First Amended Complaint, were married to each  
28 other.

1           2. Defendant HILTON MANAGEMENT LLC (hereinafter “Defendant Hilton”) is a  
2 Foreign Limited Liability Company (LLC), organized in the State of Delaware and doing  
3 business in the State of Hawaii as the operator of the property known as “The Hilton Hawaiian  
4 Village”, located at 2003 Kalia Road, Honolulu, Hawaii 96815.

5           3. Defendants DOES 1 through 100 are sued in this First Amended Complaint under Hawaii  
6 Rule of Civil Procedure 17(d). Plaintiffs and plaintiffs’ attorneys have diligently and in good  
7 faith attempted to ascertain names and identities of possible defendants DOES 1 through 100,  
8 whose identities are presently unknown to Plaintiffs. Plaintiffs’ attorneys have photographs of the  
9 area. However, due to the inability to conduct discovery prior to filing suit, the identity of other  
10 DOE defendants whose conduct may have been a legal cause of Plaintiffs’ injuries and damages  
11 remain unknown to Plaintiffs. Plaintiffs’ attorneys have been unable to determine who else may  
12 be legally and/or contractually liable for the incident. Once this litigation is commenced,  
13 Plaintiffs’ attorneys will, through discovery, obtain the necessary facts and information from  
14 defendants and will thereafter amend the filings herein and/or identify the appropriate persons or  
15 entities as DOE defendants as needed.

16           4. Defendants DOES 1 through 100 are sued herein under fictitious names because:

17           (a) their true names and identities are presently unknown to Plaintiffs;

18           (b) they employed, contracted with, controlled, and/or are in some way responsible for the  
19 conduct, acts and/or omissions of defendants.

20           (c) they were in some manner engaged in the activities alleged herein and/or were in some  
21 manner acting by or on behalf of defendants, and/or were in some manner responsible for the  
22 injuries or damages to Plaintiffs;

23           (d) they manufactured, designed, distributed, sold, or placed in the market a product  
24 which was defective and presented an unreasonable danger which caused injuries or damages to  
25 Plaintiffs;

26           (e) they owned, constructed, designed, built, operated, repaired, inspected, maintained,  
27 and/or controlled the premises or product thereon which presented an unreasonable risk of harm  
28 and caused injuries or damages to Plaintiffs;

1 (f) they knew or, with reasonable care, should have known of the danger and were  
2 negligent in creating or allowing such dangerous condition to exist, for creating a public nuisance,  
3 for failing to give Plaintiffs any warning of the dangerous condition, for failing to correct the  
4 dangerous condition, and for failing to protect Plaintiffs;

5 (g) they violated laws, standards, codes, warranties, and/or ordinances and are therefore  
6 negligent, strictly liable, liable for breach of express and/or implied warranties, and are negligent  
7 per se;

8 (h) their acts or omissions were a legal or factual cause of Plaintiff KAREN LAM's fall,  
9 injuries and/or damages.

10 5. Defendant Hilton manages, operates, maintains, and/or controls the resort known as the  
11 "Hilton Hawaiian Village," which includes a hotel and resort, and hotel rooms including  
12 bathroom showers and bathtubs.

13 6. Defendant Hilton managed, installed and maintained the showers and bathtubs in the  
14 hotel rooms and bathrooms.

15 7. On August 31, 2019, Plaintiff KAREN LAM and her daughter Laura Duong were  
16 registered guests at Defendant Hilton.

17 8. Plaintiff KAREN LAM alleges, that as of August 31, 2019, the guest room which was  
18 made available to her included a shower and bathtub that did not have a non-skid or non-slip  
19 floor, and Defendant Hilton failed to provide a non-skid or non-slip mat for KAREN LAM to use  
20 in connection with the shower and bathtub. In addition, the shower and tub had other unsafe  
21 aspects including the lack of a convenient towel bar or hook to place a towel for drying inside the  
22 shower.

23 9. Plaintiff KAREN LAM alleges that Defendant Hilton was aware that the shower and  
24 bathtub provided to her at the hotel did not have a non-skid or non-slip floor and that Defendant  
25 Hilton was aware that it failed to provide a non-skid or non-slip mat for Plaintiff KAREN LAM to  
26 use. Furthermore, Defendant Hilton was aware of other unsafe aspects including the lack of a  
27 convenient towel bar or hook to place a towel for drying inside the shower. Defendant Hilton's  
28 conduct posed an unreasonable risk of harm and caused a dangerous condition to exist to Plaintiff



1 KAREN LAM and other guests of the hotel.

2 10. On August 31, 2019, as a direct and proximate result of Defendant Hilton's conduct,  
3 including the failure to provide a shower and bathtub with a non-skid or non-slip surface, the  
4 failure to provide a non-slip or non-skid mat, and other unsafe aspects including the lack of a  
5 convenient towel bar or hook to place a towel for drying inside the shower, Plaintiff KAREN  
6 LAM slipped and fell while taking a shower in her guest room at the hotel.

7 11. On August 31, 2019, Defendant Hilton failed to take steps to protect plaintiff KAREN  
8 LAM and other hotel guests from the unreasonable risks of harm posed by the lack of a non-skid  
9 or non-slip surface and lack of a non-skid or non-slip mat in the guest room shower, and other  
10 unsafe aspects including the lack of a convenient towel bar or hook to place a towel for drying  
11 inside the shower. Among other negligent acts, Defendant Hilton failed to warn Plaintiff KAREN  
12 LAM of the unreasonable risks of harm posed by the failure to provide a non-skid or non-slip  
13 surface in the shower and bathtub and the lack of a non-skid or non-slip mat, and it failed to warn  
14 of other unsafe aspects including the failure to provide a convenient towel bar or hook to place a  
15 towel for drying inside the shower.

16 12. Defendant Hilton knew or should have known of the dangerous condition it had created,  
17 yet failed to take all appropriate safety precautions to prevent an injury to its hotel guest who was  
18 using Defendant Hilton's shower in a normal and expected manner.

19 13. As a result of Defendant Hilton's and/or other defendants, if identified, acts and/or  
20 omissions, breach of legal duties, safety rules, and/or standards of care, Defendant Hilton and/or  
21 other defendants, if identified, were negligent and/or acted in a negligent manner.

22 14. Defendant Hilton and other defendants, if identified, are also vicariously liable for the  
23 negligent acts of their employees, agents and/or contractors.

24 15. The negligent acts and/or omissions of Defendant Hilton and/or other defendants, if  
25 identified, were a factual cause of Plaintiff KAREN LAM's slip and fall, and a legal cause of her  
26 injuries, losses and/or damages.

27 16. The negligent acts and/or omissions that caused or resulted in Plaintiff KAREN LAM's  
28 slip, fall and resulting injuries occurred in the City and County of Honolulu, State of Hawaii.



1  
2 5. Such other and further relief as this Court deems just and proper.

3 Dated: November 10, 2021

LAW OFFICES OF JOHN E. HILL

4  
5 BY: /s/ Thomas J. Kaster  
6 THOMAS J. KASTER  
7 Attorney for Plaintiffs  
8 KAREN LAM and SOKHA DUONG  
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